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June 16, 1989

Charles McKinley, Esq.  
Assistant Regional Counsel  
U.S. Environmental Protection Agency  
230 S. Dearborn  
Chicago, Illinois 60603

Re: The Selmer Company

Dear Chuck:

I am writing simply to confirm our telephone conversation of June 6, 1989. Ann Pizzorusso and I contacted you by telephone to advise that the affidavits which we previously submitted to EPA on behalf of the Selmer Company and North American Philips Corporation are incomplete and may be misleading because of information that was not contained in those affidavits. Specifically, the affidavit of John Thibos, dated April 20, 1989, concludes that spent TCE was disposed of on the soil behind the Selmer facility located at 500 Industrial Parkway in Elkhart, Indiana. However, the conclusions drawn by Mr. Thibos in his affidavit, or the inferences which may be drawn from those conclusions, are inaccurate.

Upon completion of the soil and groundwater sampling program which has been conducted by our client, with input from Mr. Ken Theisen of EPA, we had cause to question Mr. Thibos' statement that spent TCE had been disposed of behind the facility because the soil and groundwater samples which were taken from areas where Mr. Thibos indicated material had been disposed of were essentially clean. Indeed, the analytical results directly contradicted Mr. Thibos' conclusions. Upon obtaining this data, we immediately commenced a further investigation of the facts relating to allegations that spent TCE had been disposed of at the facility. As a result of our investigation, we now believe that the material which Mr. Thibos testified that he saw being disposed of on the ground behind the facility was not spent TCE, but rather a mixture of materials from

XC → Fred Phillips (DOJ)  
Ken Theisen (EPA)  
6/16/89

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distillation units connected to the TCE degreasing units in the facility. When the degreasers were cleaned, still bottoms consisting of animal fats, rouge, and trace amounts of solvents were drained from the distillation units and stored in 55-gallon drums. We believe that most of these drums were sent by the Selmer Company to DETREX, a solvent recovery firm. If any material was disposed of behind the facility, we believe that such materials must have been still bottoms. We will be presenting a technical presentation and providing you with additional affidavits at our meeting in your office to provide you with a more complete understanding of the facts.

I look forward to seeing you again in Chicago.

Sincerely yours,



Richard W. Fields